

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	SACV 13-1580 AG (JPRx)	Date	November 6, 2014
Title	NATIONSTAR MORTGAGE LLC v. MARYLYNE PATAO. et al.		

Present: The Honorable	ANDREW J. GUILFORD
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Lisa Bredahl

Not Present

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

**Proceedings: [IN CHAMBERS] ORDER DENYING DEFENDANT’S
MOTION TO RATIFY, SHOW CAUSE, AND IN CAMERA
INSPECTION AS TO REAL PARTY IN INTEREST**

The Court has reviewed this matter and finds it appropriate for resolution without a hearing. *See* L.R. 7-12, 7-15. The hearing scheduled for November 10, 2014 is VACATED.

This case concerns a home (the “Property”) located at 10400 Ashdale Street, in Stanton, California. (First Amended Complaint (“FAC”), Dkt. No. 11, ¶ 7-8.) Defendant Marylyne Patao used to own the property. (*Id.* ¶ 7.) Patao defaulted on her mortgage, and Aurora Loan Services LLC (“Aurora”) bought the Property at a foreclosure sale. (*Id.*) Aurora executed a quitclaim deed in favor of Plaintiff Nationstar Mortgage LLC. (*Id.* ¶ 8.) Plaintiff alleges Patao tried to keep the property after the foreclosure sale by colluding with defendant Alan Boucher to create a fraudulent grant deed. (*Id.* ¶ 9.) Plaintiff now seeks to quiet title. (*Id.*)

Before the Court is Patao’s “Motion to Ratify, Show Cause and In Camera Inspection as to the Real Party of Interest, in Accord with F.R.C.P. §17(a)(3).” (“Motion,” Dkt. No. 43.) The thrust of Patao’s request is difficult to discern. Apparently, Patao wants the Court to order Nationstar to produce evidence that it is the holder of the original secured note that she signed, ostensibly to prove that it is the “real party in interest” under Federal Rule of Civil Procedure 17.

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The Motion is procedurally improper. Patao raised the “real party in interest” issue—and just about every other conceivable defense, applicable or not—as an affirmative defense, filing a list of eighty-eight defenses in a separate document filed with her answer. (Dkt. No. 17.) Setting aside whether there is any legal merit to the “real party in interest” defense, this Motion fails to properly advance it. Normal discovery procedures are available.

The Motion is DENIED. The hearing scheduled for November 10, 2014 is VACATED.

This Motion highlights the difficulties of proceeding pro se in this complex system. To avoid such issues in the future, the Court again reminds Patao that the Public Law Center provides a Federal Pro Se Clinic at the Santa Ana federal courthouse where pro se litigants can get free information and guidance. Visitors to the clinic must make an appointment by calling (714) 541-1010 (x222). The clinic is located in Room 1055 of the Ronald Reagan Federal Building and United States Courthouse, 411 W. 4th Street, Santa Ana, CA. More information about the clinic is available at <http://court.cacd.uscourts.gov/cacd/ProSe.nsf> and select “Pro Se Clinic - Santa Ana.”

Initials of
Preparer

_____ : _____
lmb